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Attorney for Columbia Collectors, Inc. dba CCI Billing Systems

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHELLE ECHLIN FKA MICHELLE
SIMKINS,

Plaintiff,

vs.

COLUMBIA COLLECTORS, INC. DBA CCI
BILLING SYSTEMS;

Defendant.

Case No.: 3:12-CV-05878-RBL

ANSWER AND AFFIRMATIVE DEFENSES
OF COLUMBIA COLLECTORS, INC. DBA
CCI BILLING SYSTEMS

COMES NOW Columbia Collectors, Inc. dba CCI Billing Systems (CCI), without waiving any objections, rights, and defenses relating to jurisdiction and process, hereby answers Plaintiff's complaint [ECF No. 1] as follows:

I. ANSWER

1.1 CCI admits this is an action pursuant to the Fair Debt Collection Practices Act, 15 USC § 1692 et seq. (FDCPA), and denies liability, and denies the remaining allegations contained in Paragraph 1 of Plaintiff's Complaint.

1.2 CCI admits this Court has jurisdiction over claims under the FDCPA, but denies

ANSWER AND AFFIRMATIVE DEFENSES OF COLUMBIA
COLLECTORS, INC. DBA CCI BILLING SYSTEMS - 1
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1 liability under the same, and, by that reason there is no subject matter jurisdiction, and therefore
2 denies the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

3 1.3 CCI admits plaintiff resides within the jurisdiction of this Court, and Defendant
4 transactions business in this district, and that venue is proper in this District, and deny the remaining
5 allegations contained in Paragraph 3 of Plaintiff's Complaint.

6 1.4 CCI admits Plaintiff is a natural person, and lacks sufficient information to admit or
7 deny the remaining allegations contained in Paragraph 4 of Plaintiff's Complaint, and therefore
8 denies the remaining allegations contained in Paragraph 4 of Plaintiff's Complaint.

9 1.5 CCI lacks sufficient information to admit or deny the remaining allegations
10 contained in Paragraph 5 of Plaintiff's Complaint, and therefore denies the remaining allegations
11 contained in Paragraph 5 of Plaintiff's Complaint.

12 1.6 CCI admits it is an entity that by use of the mails and telephone is in the business of
13 collecting debts, and is a debt collector as defined by the FDCPA, and denies the remaining
14 allegations contained in Paragraph 6 of Plaintiff's Complaint.

15 1.7 CCI admits the allegations contained in Paragraph 7 of Plaintiff's Complaint.

16 1.8 CCI admits Plaintiff is a natural person, and lacks sufficient information to admit or
17 deny the remaining allegations contained in Paragraph 8 of Plaintiff's Complaint, and therefore
18 denies the remaining allegations contained in Paragraph 8 of Plaintiff's Complaint.

19 1.9 CCI admits Plaintiff is a natural person, and lacks sufficient information to admit or
20 deny the remaining allegations contained in Paragraph 9 of Plaintiff's Complaint, and therefore
21 denies the remaining allegations contained in Paragraph 9 of Plaintiff's Complaint.

22 1.10 CCI admits allegations contained in Paragraph 10 of Plaintiff's Complaint.

23 1.11 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011
24 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
25 therefore denies the remaining allegations contained in Paragraph 11 of Plaintiff's Complaint.

26 1.12 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011

1 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
2 therefore denies the remaining allegations contained in Paragraph 12 of Plaintiff's Complaint.

3 1.13 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011
4 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
5 therefore denies the remaining allegations contained in Paragraph 13 of Plaintiff's Complaint.

6 1.14 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011
7 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
8 therefore denies the remaining allegations contained in Paragraph 14 of Plaintiff's Complaint.

9 1.15 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011
10 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
11 therefore denies the remaining allegations contained in Paragraph 15 of Plaintiff's Complaint.

12 1.16 CCI admits it sent the document attached as Exhibit A on or about October 5, 2011
13 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
14 therefore denies the remaining allegations contained in Paragraph 16 of Plaintiff's Complaint.

15 1.17 CCI admits Columbia Collectors, Inc. does business as CCI Billing Systems, and
16 denies the remaining allegations contained in Paragraph 17 of Plaintiff's Complaint.

17 1.18 CCI denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

18 1.19 CCI admits it sent the document attached as Exhibit C on or about October 17, 2011
19 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
20 therefore denies the remaining allegations contained in Paragraph 19 of Plaintiff's Complaint.

21 1.20 CCI admits it sent the document attached as Exhibit C on or about October 17, 2011
22 to Plaintiff, and that the document speaks for itself requiring no further admission or denial, and
23 therefore denies the remaining allegations contained in Paragraph 20 of Plaintiff's Complaint.

24 1.21 CCI admits it sent the document attached as Exhibit D on or about November 1,
25 2011 to Plaintiff, and that the document speaks for itself requiring no further admission or denial,
26 and therefore denies the remaining allegations contained in Paragraph 21 of Plaintiff's Complaint.

1 1.22 CCI admits it sent the document attached as Exhibit D on or about November 1,
2 2011 to Plaintiff, and that the document speaks for itself requiring no further admission or denial,
3 and therefore denies the remaining allegations contained in Paragraph 22 of Plaintiff's Complaint.

4 1.23 CCI admits it sent the document attached as Exhibit D on or about November 1,
5 2011 to Plaintiff, and that the document speaks for itself requiring no further admission or denial,
6 and therefore denies the remaining allegations contained in Paragraph 23 of Plaintiff's Complaint.

7 1.24 CCI admits it sent the document attached as Exhibit D on or about November 1,
8 2011 to Plaintiff, and that the document speaks for itself requiring no further admission or denial,
9 and therefore denies the remaining allegations contained in Paragraph 24 of Plaintiff's Complaint.

10 1.25 CCI admits and denies the allegations made in Paragraph 25 of Plaintiff's Complaint
11 as set forth in Paragraphs 1.1 through 1.24 above.

12 1.26 CCI denies the allegations contained in Paragraph 26 of Plaintiff's Complaint.

13 1.27 CCI admits and denies the allegations made in Paragraph 27 of Plaintiff's Complaint
14 as set forth in Paragraphs 1.1 through 1.26 above.

15 1.28 CCI denies the allegations contained in Paragraph 28 of Plaintiff's Complaint.

16 1.29 CCI admits and denies the allegations made in Paragraph 29 of Plaintiff's Complaint
17 as set forth in Paragraphs 1.1 through 1.28 above.

18 1.30 CCI denies the allegations contained in Paragraph 30 of Plaintiff's Complaint.

19 1.31 CCI admits and denies the allegations made in Paragraph 31 of Plaintiff's Complaint
20 as set forth in Paragraphs 1.1 through 1.30 above.

21 1.32 CCI denies the allegations contained in Paragraph 32 of Plaintiff's Complaint.

22 1.33 CCI admits and denies the allegations made in Paragraph 33 of Plaintiff's Complaint
23 as set forth in Paragraphs 1.1 through 1.32 above.

24 1.34 CCI denies the allegations contained in Paragraph 34 of Plaintiff's Complaint.

25 1.35 CCI admits and denies the allegations made in Paragraph 35 of Plaintiff's Complaint
26 as set forth in Paragraphs 1.1 through 1.34 above.

1.36 CCI denies the allegations contained in Paragraph 36 of Plaintiff's Complaint.

1.37 Except as so admitted, CCI denies each and every allegation in Plaintiff's Complaint.

II. AFFIRMATIVE DEFENSES

Having answered Plaintiff's complaint, CCI alleges the following affirmative defenses.

2.1. **Failure to State Claims.** The communications on October 5, 2011 and October 17, 2011 were sent for and on behalf of Rebound and Neurosurgical who are not subject to the FDCPA and were communications by Rebound and Neurosurgical and not communications by CCI such that they fail to state claims for relief.

2.2. On or about December 5, 2011, CCI received a letter from the Plaintiff requesting validation of the debt such that she understood the information provided by CCI in response to CCI's November 1, 2011.

2.3. None of the allegations by Plaintiff against CCI state a claim.

2.4. **Lack of Subject Matter Jurisdiction.** For the reasons set forth above, there is no subject matter jurisdiction for a claim under the FDCPA.

III. PRAYER

Wherefore having fully answered Plaintiff's complaint, having interposed affirmative defenses, CCI pray for the following relief:

3.1. Dismissal of the Action with prejudice, and with costs to CCI.

3.2. For such other and further relief as may be provided by law.

Dated November 21, 2012.

DAVENPORT & HASSON, LLP

s/ Jeffrey I. Hasson

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Attorney for CCI

Certificate of Service

I hereby certify that on November 21, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Jon N. Robbins and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

s/ Jeffrey I. Hasson
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